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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,736	06/30/2003	Georges R. Harik	Google-47 (GP-108-00-US)	6223
26479	7590	08/22/2007	EXAMINER	
STRAUB & POKOTYLO			LE, DEBBIE M	
620 TINTON AVENUE			ART UNIT	
BLDG. B, 2ND FLOOR			PAPER NUMBER	
TINTON FALLS, NJ 07724			2168	
			MAIL DATE	DELIVERY MODE
			08/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/614,736	HARIK, GEORGES R.	
	Examiner	Art Unit	
	DEBBIE M. LE	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-17 and 28-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-16 and 23-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/19/07</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's arguments filed on May 29, 2007. Claim 1 is cancelled. Claims 2-16, 23-43 are pending for examination.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 24, 28, 34, 35, 36, 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Radwin (US Patent 7,007,074 B2).

As per claim 24, Radwin discloses apparatus comprising:

A storage facility including:

Advertisement information including ads,

A search data structure including advertiser web page information  
(advertisements in advertisement repository 20);

Means for generating search results using, at least, the searchable data structure  
(col. 5, lines 17-19, as the search server parses the search terms in of the search  
query to find advertisements in advertisement repository 20);; and

Means for providing one or more ads from the advertisement information using,  
at least, the generated search results (col. 5, lines 35-37, as in response to a request  
from the search server 14, the advertisement repository 20 provides a target  
advertisement for presentation to the user).

As per claim 28, Radwin discloses apparatus comprising:

a) an input for accepting a search query (col. 5, lines 15-16, as search server  
receives search query send from a user);

b) a means for searching a searchable data structure including advertiser Web  
page information to generate search results (col. 5, lines 17-19, as the search server  
parses the search terms in of the search query to find advertisements in advertisement  
repository 20);

c) means for retrieving at least one advertisement using at least a portion of the  
accepted search results (col. 5, lines 35-37, as in response to a request from the  
search server 14, the advertisement repository 20 provides a target advertisement for  
presentation to the user).

As per claim 34, Radwin teaches each of the search results have a score (col. 9, lines 1-3).

As per claim 35, Radwin teaches means for scoring, using at least the search result scores, at least some of the retrieved at least one advertisement (col. 4, lines 4-6).

As per claim 36, Radwin teaches means scoring, using at least the search result scores and further using at least one of (1) ad performance information, (2) ad price information (3) advertiser quality information, and (4) user information, at least some of the retrieved at least one advertisement (col. 9, lines 11-25, col. 6, lines 45-58).

As per claim 39, Radwin teaches the at least one advertisement is not one of the accepted search results (col. 11, lines , 14-18, 40-48, term rental and car is the only advertisement qualified to be presented as an immediate advertisement (accepted search result), while advertisement will be available for presentation as a time-dependent advertisement, such as banner, streaming video, audio advertisement are not one of the accepted search results).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-16, 23, 25-27, 33, 37-38, 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radwin (US Patent 7,007,074 B2) in view of Cheung et al (US Patent No. 7043471 B2).

As per claim 6, Radwin discloses a method comprising:

- a) accepting a search query (col. 5, lines 15-16, as search server receives search query send from a user);
- b) searching a searchable data structure including advertiser Web page information to generate advertisement search results (col. 5, lines 17-19, as the search server parses the search terms in of the search query to find advertisements in advertisement repository 20);
- c) accepting the advertisement search results (col. 5, lines 20-23, as search server responds by serving up a search results page comprising a list of matching document or keyword advertisement);
- d) retrieving at least one advertisement using at least a portion of the accepted advertisement search results (col. 5, lines 35-37, as in response to a request from the search server 14, the advertisement repository 20 provides a target advertisement for presentation to the user);

wherein the at least one advertisement is retrieved from a set of advertiser information, the set of advertiser information including information identifying advertiser Web pages (col. 5, lines 17-20, col. 6, lines 15-18).

Radwin does not explicitly teach wherein the searchable data structure including advertiser Web page information includes information automatically extracted

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exclusively from the identified advertiser Web pages. But Cheung discloses the searchable data structure including advertiser Web page information includes information automatically extracted exclusively from the identified advertiser Web pages (col. 18, lines 19-29, col. 19, lines 9-11). Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to provide the searchable data structure including advertiser Web page information includes information automatically extracted exclusively from the identified advertiser Web pages as disclosed by Cheung because it would provide users of Radwin's system to navigate to an advertiser's web site based on the search result provided to the user without user's inputted a target advertiser's URL. The motivation could decrease the latency between the time that the user exhibits some behavior on the web site and that an advertiser capitalizes on that behavior by presenting a targeted advertisement to a unique user.

As per claim 10, Radwin discloses [a] method comprising:

- a) accepting a search query (col. 5, lines 15-16, as search server receives search query send from a user);
- b) searching a searchable data structure including advertiser Web page information to generate advertisement search results (col. 5, lines 17-19, as the search server parses the search terms in of the search query to find advertisements in advertisement repository 20);

c) accepting the advertisement search results (col. 5, lines 20-23, as search server responds by serving up a search results page comprising a list of matching document or keyword advertisement);

d) retrieving at least one advertisement using at least a portion of the accepted advertisement search results (col. 5, lines 35-37, as in response to a request from the search server 14, the advertisement repository 20 provides a target advertisement for presentation to the user).

Radwin does not explicitly teach wherein the searchable data structure includes entries, each entry including a term and one or more Web page identifiers and wherein the act of retrieving at least one advertisement using at least a portion of the accepted search results uses Web page identifiers included in the search results. But Cheung discloses the searchable data structure includes entries, each entry including a term and one or more Web page identifiers and wherein the act of retrieving at least one advertisement using at least a portion of the accepted search results uses Web page identifiers included in the search results (col. 18, lines 19-29, col. 19, lines 9-11).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to provide the searchable data structure includes entries, each entry including a term and one or more Web page identifiers and wherein the act of retrieving at least one advertisement using at least a portion of the accepted search results uses Web page identifiers included in the search results as disclosed by Cheung because it would provide users of Radwin's system to navigate to an advertiser's web site based on the search result provided to the user



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without user's inputted a target advertiser's URL. The motivation could decrease the latency between the time that the user exhibits some behavior on the web site and that an advertiser capitalizes on that behavior by presenting a targeted advertisement to a unique user.

As per claim 7, Radwin wherein each of the search results have a score (col. 9, lines 1-3).

As per claim 8, Radwin teaches e) scoring, using at least the search result scores, at least some of the retrieved at least one advertisement (col. 4, lines 4-6).

As per claim 9, Radwin teaches e) scoring, using at least the search result scores and further using at least one of (1) ad performance information, (2) ad price information (3) advertiser quality information, and (4) user information, at least some of the retrieved at least one advertisement (col. 9, lines 11-25, col. 6, lines 45-58) .

As per claim 11, Radwin teaches wherein the Web page identifiers are used as lookup keys to a database of advertisement information (col. 8, lines 40-50).

As per claim 12, Radwin teaches wherein the at least one advertisement is not one of the accepted search results (col. 11, lines , 14-18, 40-48, term rental and car is the only advertisement qualified to be presented as an immediate advertisement (accepted search result), while advertisement will be available for presentation as a time-dependent advertisement, such as banner, streaming video, audio advertisement are not one of the accepted search results).

As per claim 13, Radwin discloses [a] method comprising:

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a) accepting a search query (col. 5, lines 15-16, as search server receives search query send from a user);

b) searching a searchable data structure including advertiser Web page information to generate advertisement search results (col. 5, lines 17-19, as the search server parses the search terms in of the search query to find advertisements in advertisement repository 20);

c) accepting the advertisement search results (col. 5, lines 20-23, as search server responds by serving up a search results page comprising a list of matching document or keyword advertisement);

d) retrieving at least one advertisement using at least a portion of the accepted advertisement search results (col. 5, lines 35-37, as in response to a request from the search server 14, the advertisement repository 20 provides a target advertisement for presentation to the user).

Radwin does not explicitly teach wherein the act of retrieving at least one advertisement is performed without consideration of expressly entered targeting information. But Cheing discloses the act of retrieving at least one advertisement is performed without consideration of expressly entered targeting information (col. 18, lines 19-29). Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to implement the step of the act of retrieving at least one advertisement is performed without consideration of expressly entered targeting information as disclosed by Cheung because it would provide users of Radwin's system to navigate to an advertiser's web

site based on the search result provided to the user without user's inputted a target advertiser's URL. The motivation could decrease the latency between the time that the user exhibits some behavior on the web site and that an advertiser capitalizes on that behavior by presenting a targeted advertisement to a unique user.

As per claim 14, Radwin teaches wherein the act of retrieving at least one advertisement is performed without consideration of keyword targeting information (col. 8, lines 8-17).

As per claim 15, Radwin teaches e) generating a document including (1) search results determined using the search query and a second searchable data structure (Fig. 2, # 22,), and (2) the at least one advertisement (col. 8, lines 8-20).

As per claim 16, Radwin teaches wherein a format of each of the search results is different from a format of each of the at least one advertisement (col. 10, lines 3-15).

As per claim 23, Radwin discloses a search engine (Fig. 2, # 52, search engine) comprising:

- a) a query processor (Fig. 1, # 14, as search server, parse the search query);
- b) a first index including information derived from Web pages of the World Wide Web (Fig. 2, # 20, Ad repository, col. 5, lines 45-61, col. 8, lines 33-39, as Web server operates to receive a URL and the content of HTML document (Web pages) and store as records in a table data structure); and

Radwin does not explicitly teach a second index including information derived exclusively from Web pages of Advertisers. But Cheung teaches a second index including information derived exclusively from Web pages of Advertisers (Fig. 4, #406,

(col. 18, lines 19-29, col. 19, lines 9-11). Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to implement the step of a second index including information derived exclusively from Web pages of Advertisers as disclosed by Cheung because it would provide users of Radwin's system to navigate to an advertiser's web site based on the search result provided to the user without user's inputted a target advertiser's URL. The motivation could decrease the latency between the time that the user exhibits some behavior on the web site and that an advertiser capitalizes on that behavior by presenting a targeted advertisement to a unique user.

As per claim 25, Radwin does not explicitly teach wherein the advertisement information includes records, each record including an ad and an advertiser web page identifier. But Cheung discloses the advertisement information includes records, each record including an ad and an advertiser web page identifier (col. 19, lines 9-11). Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to implement the step of wherein the advertisement information includes records, each record including an ad and an advertiser web page identifier as disclosed by Cheung because it would provide users of Radwin's system to navigate to an advertiser's web site based on the search result provided to the user without user's inputted a target advertiser's URL. The motivation could decrease the latency between the time that the user exhibits some behavior on the web site and that an advertiser capitalizes on that behavior by presenting a targeted advertisement to a unique user.

As per claim 26, Cheung teaches wherein the advertiser website information included in the searchable data structure is derived from the advertiser web page identifiers included in records of the advertisement information (search results database 104 of Fig. 1).

As per claim 27, Radwin teaches all limitations except means for determining at least one web page identifier from the search results, means for looking up the one or more ads from the advertisement information using the determined at least one web page indicator. But Cheung teaches means for determining at least one web page identifier from the search results and means for looking up the one or more ads from the advertisement information using the determined at least one web page indicator (col. 19, lines 9-11). Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to implement the step of means for determining at least one web page identifier from the search results and means for looking up the one or more ads from the advertisement information using the determined at least one web page indicator as disclosed by Cheung because it would provide users of Radwin's system to navigate to an advertiser's web site based on the search result provided to the user without user's inputting a target advertiser's URL. The motivation could decrease the latency between the time that the user exhibits some behavior on the web site and that an advertiser capitalizes on that behavior by presenting a targeted advertisement to a unique user.

As per claim 33, Radwin teaches all limitations except wherein the searchable data structure including advertiser web page information includes information extracted exclusively from the identified advertiser web pages. Cheung teaches the searchable data structure including advertiser web page information includes information extracted exclusively from the identified advertiser web pages (col. 18, lines 19-29). Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to implement the step of the searchable data structure including advertiser web page information includes information extracted exclusively from the identified advertiser web pages as disclosed by Cheung because it would provide users of Radwin's system to navigate to an advertiser's web site based on the search result provided to the user without user's inputting a target advertiser's URL. The motivation could decrease the latency between the time that the user exhibits some behavior on the web site and that an advertiser capitalizes on that behavior by presenting a targeted advertisement to a unique user.

As per claim 37, Radwin does not explicitly teach the searchable data structure includes entries, each entry including a term and one or more web page identifiers, and wherein the means for retrieving at least one advertisement using at least a portion of the accepted search results uses web page identifiers included in the search results. But Cheung teaches those limitations at column 19, lines 9-11. Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to implement the step of the searchable data structure includes entries, each entry including a term and one or more web page

identifiers, and wherein the means for retrieving at least one advertisement using at least a portion of the accepted search results uses web page identifiers included in the search result as disclosed by Cheung because it would provide users of Radwin's system to navigate to an advertiser's web site based on the search result provided to the user without user's inputting a target advertiser's URL. The motivation could decrease the latency between the time that the user exhibits some behavior on the web site and that an advertiser capitalizes on that behavior by presenting a targeted advertisement to a unique user.

As per claim 38, Cheung teaches the web page identifiers are used as lookup keys to a database of advertisement information (col. 18, lines 20-29).

As per claim 40, Radwin does not explicitly teach wherein the means for retrieving at least one advertisement does not consider expressly entered targeting information. But Cheung teaches retrieving at least one advertisement does not consider expressly entered targeting information (col. 18, lines 19-29). Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to implement the step of the means for retrieving at least one advertisement does not consider expressly entered targeting information as disclosed by Cheung because it would provide users of Radwin's system to navigate to an advertiser's web site based on the search result provided to the user without user's inputting a target advertiser's URL. The motivation could decrease the latency between the time that the user exhibits some behavior on the

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web site and that an advertiser capitalizes on that behavior by presenting a targeted advertisement to a unique user.

Claim 41 has similar limitations as claim 40, therefore, it is rejected under the same subject matter.

Claims 42-43 have similar limitations as claims 37-38, therefore, they are rejected under the same subject matter.

Claim 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radwin (US Patent 7,007,074 B2) in view of Spencer (US Patent 5,915,249).

As per claim 29, Radwin does not teach wherein the searchable data structure is an inverted index. However, Spencer teaches the searchable data structure is an inverted index (Fig. 2, # 200, inverted index). To implement the step of constructing the searchable data structure is an inverted index as disclosed by Spencer because it would provide information retrieval from a large text (e.g., search terms) database structure and query processing technique that efficiently handle queries the significance and repetitiveness of certain terms in the queries, while still providing scalability as the document collection grow.

Claims 2-5, 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radwin (US Patent 7,007,074 B2) in view of Cheung et al (US Patent No. 7043471 B2) and further in view of Spencer (US Patent 5,915,249).

As per claim 2, Radwin and Cheung do not teach wherein the searchable data structure is an inverted index. However, Spencer teaches the searchable data structure



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is an inverted index (Fig. 2, # 200, inverted index). Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to implement the step of constructing the searchable data structure is an inverted index as disclosed by Spencer because it would provide information retrieval from a large text (e.g., search terms) database structure and query processing technique that efficiently handle queries the significance and repetitiveness of certain terms in the queries, while still providing scalability as the document collection grow.

As per claim 3, Cheung teaches wherein the inverted index includes entries, each entry including a term and one or more Web page identifiers (col. 19, lines 9-11).

As per claim 4, Spencer teaches wherein the inverted index includes entries, each entry including a term and one or more pairs, each pair including a Web page identifier and a term count (as term counts, col. 1, line 39, col. 9, lines 34-42).

As per claim 5, Spencer teaches wherein the inverted index includes entries, each entry including a term extracted from advertiser Web pages and one or more Web page identifiers that identifier advertiser Web page in which the term appears (as the number of occurrences of the term in that document, col. 9, lines 39-41).

Claims 30-32 have similar limitations as claims 3-5, therefore, they are rejected under the same subject matter.

### ***Response to Arguments***

Applicant's arguments, filed May 8, 2007, have been fully considered and are persuasive. Therefore, the Election/Restriction to claims 24-27 and the rejection to claims 1-16, 23, 28-43 been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Radwin (US Patent 7,007,074 B2), Cheung et al (US Patent No. 7043471 B2) and in view of Spencer (US Patent 5,915,249)

### ***Conclusion***

The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M. LE whose telephone number is (571) 272-4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



DEBBIE LE  
PRIMARY EXAMINER

8/20/07